

challenge.

The Court will briefly address the issues raised by the intervening defendants. The Sierra Club contests the standing of various plaintiffs. In order to prevail on this issue, the intervening defendants must show that none of the appellants have standing to maintain the suit. See 21st Century Development Co., LLC v Watts, Ky. App., 958 S.W. 2d 25, 28 (1997). Because such a showing has not been made, the motion is dismissed. The Sierra Club also claims this matter is not ripe for an adjudication. The Court disagrees and finds an actual controversy exists. This motion is also dismissed.

For the reasons set forth above, the plaintiffs' motion for summary judgment is **GRANTED** and 401 KAR 5:074E is declared void in violation of KRS 13A.333. The Court further orders the Clerk of the Court to return the bond posted by the plaintiffs in this matter. All other motions are dismissed.

So ordered this 25 day of May, 2001.

There being no just cause for delay, this is a final and appealable order.


Roger L. Crittenden, Judge
Franklin Circuit Court

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